

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

KENNETH GREGORY WILLIAMS,

3:09-CV-00799-AC

Plaintiff,

ORDER

v.

STEVE SHELTON, Oregon Department
of Corrections Health Service
Director; MARY RAINES, CCCI
Health Service Manager; DOUG
BUTLER, ODOC Health Service
Pharmacist,

Defendants.

KENNETH GREGORY WILLIAMS
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Oregon State Penitentiary
2605 State Street
Salem, OR 97310-0505

Plaintiff, *Pro Se*

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BROWN, Judge.

Magistrate Judge John V. Acosta issued Findings and Recommendation (#98) on July 21, 2011, in which he recommends the Court grant Defendants' Motion (#84) for Summary Judgment.

Plaintiff filed timely Objections to the Findings and Recommendation.¹ The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1). See also *Dawson v. Marshall*, 561 F.3d 930, 932 (9th Cir. 2009); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (*en banc*).

The Magistrate Judge recommends granting Defendants' Motion for Summary Judgment on the ground that Plaintiff failed to present any evidence to support his claim that Defendants

¹ On August 1, 2011, Plaintiff filed a Motion in Opposition to Summary Judgment, which the Magistrate Judge properly construed as Objections to the Findings and Recommendation.

discriminated against him on the basis of his race. Plaintiff asserts in his Objections that two inmates "both agreed to provide affidavits and to testify" on Plaintiff's behalf. Plaintiff, however, did not actually submit any affidavits or other evidence with his Objections or at any other point in this litigation to support his claim.

Accordingly, the Court has carefully considered Plaintiff's Objections and concludes they do not provide a basis to modify the Findings and Recommendation. The Court also has reviewed the pertinent portions of the record *de novo* and does not find any error in the Magistrate Judge's Findings and Recommendation.

CONCLUSION

The Court **ADOPTS** Magistrate Judge Acosta's Findings and Recommendation (#98) and, therefore, **GRANTS** Defendants' Motion (#84) for Summary Judgment.

IT IS SO ORDERED.

DATED this 29th day of August, 2011.



ANNA J. BROWN
United States District Judge